

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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IN RE: MI WINDOWS AND DOORS, INC.  
PRODUCTS LIABILITY LITIGATION

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MDL NO. 2333  
2:12-MN-00001-DCN  
ALL CASES  
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**PLAINTIFFS' PROPOSED PRETRIAL CONFERENCE AGENDA**

Plaintiffs' counsel for the *Johnson*<sup>1</sup>, transferred, and conditionally transferred cases hereby propose the following matters for discussion at the July 12, 2012 Pretrial Conference:

- I. STATUS OF MDL TRANSFER OF ACTIONS
  - a. List of All Known Actions
  - b. Transfer of All Actions
  - c. Status of Conditional Transfers
  - d. ECF Status
  - e. Pro hac vice motions/waiver of local counsel
- II. APPOINTMENT OF LEAD/LIAISON COUNSEL AND PLAINTIFFS' STEERING COMMITTEE
- III. PLEADINGS
  - a. Status of Pending Complaints – relief from Answering
  - b. Date for filing Consolidated Amended Complaint by transferred Plaintiffs
  - c. Date for Defendant to Answer or otherwise respond to the Consolidated Amended Complaint
- IV. DUAL TRACK PROCEEDING:
  - a. Lead Case: *Johnson*
  - b. Remaining MDL cases
- V. EARLY SETTLEMENT/CLAIMS RESOLUTION PROCESS
- VI. DISCOVERY ORDERS
  - a. Stipulation Regarding the Production of Electronically Stored Information (ESI)

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<sup>1</sup> *Nadine Johnson, et al. v. MI Windows and Doors, Inc.*, Case No. 2:11-cv-00167-DCN (U.S.D.C., Charleston Division).

- b. Preservation Order
  - c. Confidentiality Orders
    - a. Use of *Johnson* Order and future application
  - d. Status of Discovery to Date
    - a. *Johnson* Discovery Due
    - b. Defendant's 30(b)(6) Deposition (*Johnson* Notice and Areas of Inquiry)
  - e. Expedited Discovery Schedule
  - f. Other
    - a. Document depository
    - b. Bate labeling
- VII. MDL PROCEDURAL MATTERS
- a. Direct Filing of Additional Actions
  - b. Tolling
- VIII. PROTOCOL FOR TESTING AND PRESERVATION OF EVIDENCE
- IX. DEPOSITION AND DISCOVERY PROTOCOLS
- X. STATUS OF DIRECTIVE IN CASE MANAGEMENT ORDER #1
- a. Consideration of Plaintiffs' Proposed CMO<sup>2</sup> No. 2
  - b. Service List
  - c. Statement of Affiliates
  - d. Scheduling of Monthly Status Conferences
- XI. CLASS CERTIFICATION
- a. Timing
  - b. Experts/*Daubert*
- XII. LIST OF ALL PENDING MOTIONS
- XIII. OTHER MATTERS
- a. Plaintiffs' proposed treatment of *Johnson* severed claims
  - b. Management of future third-party claims
  - c. Management of claims brought by parties other than homeowners

This Proposed Pretrial Conference Agenda is submitted with the consent of Plaintiffs' counsel for the *Johnson* case, all cases transferred by the Judicial Panel on Multidistrict Litigation in its April 23, 2012 Order, and conditionally transferred cases.

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<sup>2</sup> To be circulated to Defendant on or before July 21, 2012.

Respectfully submitted,

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June 7, 2012  
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